



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/920,807	08/03/2001	Danny De Vleeschauwer	Q65202	7148

7590 03/30/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC  
2100 Pennsylvania Avenue, N.W.  
Washington, DC 20037-3213

EXAMINER
----------

NGUYEN, SON XUAN

ART UNIT	PAPER NUMBER
----------	--------------

2664

DATE MAILED: 03/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/920,807	<b>Applicant(s)</b> VLEESSCHAUWER ET AL.	
	<b>Examiner</b> SON X. NGUYEN	<b>Art Unit</b> 2664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 August 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☐ Claim(s) \_\_\_\_\_ is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-12 is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/3/01</u> . | 6) <input type="checkbox"/> Other: _____  |

## EX PARTE QUAYLE ACTION

This application is in condition for allowance except for the following formal matters:

1. **The abstract** of the disclosure is objected to because the abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Correction is required, See MPEP § 608.01

2. **The specification** is objected to because it contains an embedded hyperlink and/or other form of browser-executable code <http://www.ietf.org/rfc1889.txt> ?number=1889 in line 14 of page 1. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

Correction is required.

3. **Claims 1-12** are objected to because of the following informalities:

With regarding to claim 1 in line 9, claim 5 in line 26, claim 9 in line 15, "characterized" should be changed to -- comprising --.

All the other dependent claims 2-4, 6-8 and 10-12 are also objected with the same reason.

Appropriate correction is required.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

***Allowable Subject Matter***

4. Claims 1-12 are allowed.

5. The following is an examiner's statement of reasons for allowance:

Claims 1, 5 and 9 are allowable over the prior art of record since the cited references taken individually or in combination fails to particularly disclose determining by a first determining means (DET1), according to each said time information (T1 t1, T2 t2, T3 t3, T4 t4) associated to said at least two packets (T1, T2, T3, T4) of said receiving means (REC), and according to each said predefined packet length (l1, l2, l3, l4) associated to said at least two packets, characteristics of a first relation (f1(T, .alpha.)) between a packet length of a packet to be transmitted from said source (S) to said destination (D) and a source to destination delay (d-S2D) being a time period between said transmission of said packet by said source (S) and reception of said packet by said destination (D); and determining by a second determining means (DET2) a preferred mouth to

Art Unit: 2664

ear delay (d-M2E-pref) according to a preferred quality rating (Q-pref) for said real time data communication; and determining by a third determining means (DET3) an optimal packet length (l-opt) for said preferred mouth to ear delay (d-M2E-pref) and according to said characteristics of said first relation (f1(T, .alpha.)) in order to be applied by said source (S) for packets being transmitted during said real time data communication. It is noted that the closest prior art, Hasan et al. (US

6,707,813 B1) shows a method of call control in a packet-switched radio telecommunication network that minimizes delays in launching a voice call from a first Internet Protocol (IP)-based mobile station (MS) to a second IP-based MS. However, Hasan et al. fails to disclose or render obvious the above underlined limitations as claimed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2664

- a) Hasan et al. (US 6,707,813 B1) Method of call control to minimize delays in launching multimedia or voice calls in a packet-switched radio telecommunications network.
- b) Valencia, Andrew (U.S 6,650,652) Optimizing queuing of voice packet flows in a network.
- c) Anandakumar et al. (U.S 6,757,256) Process of sending packets of real-time information.
- d) Jorgensen, Lacob W. (U.S 6,862,622) Transmission control protocol/internet protocol (TCP/IP) packet-centric wireless point to multi-point (PTMP) transmission system architecture.
- e) Poppe et al. (US 20020003793 A1) Method to set up a voice over internet protocol communication.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON X. NGUYEN whose telephone number is 571-272-6048. The examiner can normally be reached on 8 AM -5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ken Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2664

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Son Xuan Nguyen 3/11/05

A handwritten signature in black ink, consisting of stylized, cursive letters that appear to be 'WJL' followed by a long horizontal line.